



Environmental Protection Agency

El Paso Smelter, Public Meeting
May 11, 2009



United States and State of Texas v. Encycle/Texas, Inc. v. ASARCO Incorporated, Civil Action No. H-99-1136. 1999

- Alleged violations at three facilities in Texas:
- Encycle/Texas, Inc
- Amarillo smelter
- El Paso smelter



El Paso Smelter all alleged violations were related to taking waste from Encycle:

- Failure to notify of hazardous waste activity
- treatment, storage and disposal of hazardous waste without a permit
- Violation of land disposal restriction regulations for storing hazardous waste

Encycle Operations

- Accepted Metal Bearing Waste From ASARCO Facilities and Others
- Mixed Materials Together
- “Metal Concentrate Product”
- Did not accept dioxin or radioactive materials (see GAO Report, Nov. 2007)

At El Paso, ASARCO agreed to:

- take certain environmental actions
 - Undertake Environmental Audits:
 - Comply with the TNRCC remediation order;
 - Pave roads in El Paso
- However, because ASARCO quit operating at the site, the Environmental Audits were not undertaken.

Bankruptcy Claims Related to El Paso

- Completion of remedial action
- City of El Paso filed a claim for the value of paving SEP



EPA Oversight

- Texas TCEQ is lead agency
- EPA has oversight role
- EPA agrees with the TCEQ remedial decisions